

16 CUP-05
Sch # 18825

**PARK COUNTY APPLICATION FOR
CONDITIONAL USE PERMIT
NON-REFUNDABLE APPLICATION FEE: \$1060**

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated paper copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: Bailey Treetop Ventures, LLC
Mailing Address: 273 Jacob Dr.
City: Bailey State: CO Zip: 80421
Telephone
(work) 720-401-6505 (home) _____ (fax) _____
Owner's Name: Bailey Trails! Alliance
Mailing Address: PO Box 81, Bailey, CO 80421
Telephone No. and Email Address: 720-401-6505 baileytrailsboard@gmail.com

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Conditional Use Permit (attach additional page, if necessary):

Please refer to Exhibit A

Street Address of Property: 60117 Highway 285, Bailey, CO 80421
Property's Total Acreage: 12.7
Current Zone District of Property: Commercial

For County Use Only Planning Department Confirmation of Current Zone District: District: <u>Commercial</u> <u>Jillian Falchi</u> Print Full Name

Requirements for a Conditional Use Permit
Article V, Division 5, Section 5-501

C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of \$1060 must be paid at the time of submission of the application. Make the check or money order payable to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.
2. Tax receipt showing payment of current taxes. This can be obtained at the Park County Treasurer's office.
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Records office.
4. A legal description of the subject property prepared by a licensed Colorado land surveyor.
5. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to C.R.S. § 24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B (attached).
6. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Conditional Use Permit, this information is at the Park County Assessor's Office .
7. A copy of all recorded covenants that apply to the subject property.
8. Current Conditions Map including, in one or more mapped or graphic formats the following information:
 - a. Topography of the property subject to the Conditional Use Permit shown in elevation contours of not more than twenty (20) or forty (40) foot increments. Applicants are encouraged to use USGS or other commercially available topographic maps.
 - b. Points of access to the property, internal roads and trails including widths and approximate grades. The Current Conditions Map must illustrate how access is obtained from the subject property to the nearest road or highway.
 - c. Where any access to the property subject to the Conditional Use Permit application is obtained from a road, trail easement, driveway, historic use, or other private right of access other than an adjacent County owned right-of-way, the applicant shall provide evidence of permanent legal right of access.

For County Use Only: Initial Receipt of the Required Information	
(1.)	JF
(2.)	NA
(3.)	JF
(4.)	JF
(5.)	JF
(6.)	JF
(7.)	NA
(8.)	JF
(8a.)	JF
(8b.)	JF

For County Use Only:	
Initial Receipt of the Required Information	
(8c.)	JF
(8d.)	JF
(9.)	JF
(10.)	N/A
(11.)	JF
(12.)	JF
(13.)	JF
(14.)	JF

Such evidence may include deed, easement agreement, or attorney opinion of legal right of access.

- d. Natural features of the property subject to the Conditional Use Permit application, including wetlands, riparian areas, water bodies, (e.g. lakes, ponds, streams, whether continuous or seasonal) and slopes greater than twenty percent (20%).
- 9. A site plan drawn to a constant scale showing the precise locations and dimensions of all property lines, easements, and existing and proposed structures and uses; including but not necessarily limited to vehicular and pedestrian access, parking, landscaping, lighting, and utility infrastructure.
- 10. If the proposed Conditional Use pertains to property located in a geological hazard area according to the geological hazard map, then the application must contain a geotechnical report prepared by a qualified professional geologist addressing the presence and extent of any geological hazards, including but not limited to, underground excavations on/or adjacent to the subject property and radioactive or toxic materials and/or minerals.
- 11. A Vicinity Map of where the proposed property is located within Park County.
- 12. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).
- 13. Any other studies, reports, plans, or drawings that are judged necessary by the Planning director to ensure compliance with the Standards for Approval of a Conditional Use Permit (Section 5-503 of the Land Use Regulations).
- 14. A written proposal describing the existing use and proposed conditional use.

Note: All applications for a Conditional Use Permit for a Single Family Dwelling (not related to mining or oil or gas production) in a Mining Zone District shall meet all of the following requirements of Article V Section 5-311, Table Footnotes #2

1. All applications, including the required geo-technical report, shall be forwarded to the Colorado Geological Survey for a review and evaluation of the proposed use and site constraints. The applicant shall pay all costs assessed or charged by the Colorado Geological Survey for the review and processing of the application. Within fifteen (15) days following the County's receipt of a report from the Colorado Geological Survey, the applicant shall submit a written response to the Planning Director/County Designee addressing in detail the applicant's proposed methods for mitigating any hazards or concerns identified by the Colorado Geological Survey. Applicants are strongly encouraged to adopt and employ all mitigation measures recommended by the Colorado Geological Survey. No application shall be deemed complete and no review of the application by the County shall be initiated until an evaluation and report from the Colorado Geological Survey is received by the County, the applicant has paid all fees associated with such review by the Colorado Geological Survey, and the applicant has submitted its response to the Planning director/County Designee as required by this paragraph.

2. Applicants shall submit a report addressing the absence or presence of commercially valuable mineral resources on the proposed site and adjacent sites as part of the application. The applicant bears the burden of establishing that the proposed residential use does not conflict or interfere with the mining of mineral resources located within the property described in the application or within adjacent properties.

3. Single Family Dwelling Unit (Not related to Mining or Oil or Gas Production) shall be deemed incompatible with the purpose and intent of the Mining Zone District and no Conditional Use Permit shall be granted by the County unless the applicant establishes by competent and sufficient evidence presented to the County that:
 - a. The residential use meets all review standards for Conditional Uses contained in Section 5-503 of the Park County Land Use Regulations; and
 - b. The proposed residential use on the site will not present a hazard to the occupants of the residential structure or that hazards identified for the site are or will be mitigated by the applicant; and
 - c. The proposed residential use will not conflict or interfere with the mining of mineral resources located within the property described in the application for conditional use or on adjacent properties; and
 - d. The proposed residential use will not interfere with or impair historical access to adjacent uses, properties, or mining claims; and
 - e. The applicant has delivered to the County a signed and notarized certification that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Colorado Revised Statutes §24-65.5-103, or a certification that such notice is not required because the surface estate has not been detached from the mineral estate for the property described in the application. A form of certification is provided in Appendix B of the Land Use Regulations and is attached.

For County Use Only:	
Initial Receipt of the Required Information	
(1.)	NA
(2.)	NA
(3a.)	NA
(3b.)	NA
(3c.)	NA
(3d.)	NA
(3e.)	NA

<p style="text-align: center;">For County Use Only:</p> <p>Initial Receipt of the Required Information</p> <p>(4.) <u>NA</u></p>

4. If the application for Conditional Use is approved, then the applicant may be required to record documentation prepared by the County Attorney disclosing the potential for geologic hazards at the property, assuming the risk associated with non-mining use of the property, and indemnifying the County from all injury and damage claims resulting from said use of the property.

Note: Refer to Park County Land Use Regulations Article V Standards for Approval of Conditional Use Permit.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: [Signature]

Print name: Tina A. Gregg

If company, state Title/Position: Baker Trails! / President

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

October Month 12 Day, 2016 Year

Payment of the Applicant Fee was made by:

_____	Personal Check # _____	Amount \$ _____
_____	Cash	Amount \$ _____
<u>X</u> _____	Other <u>Cashier's Check</u>	Amount \$ <u>1060</u>

For County Use Only:
Verification of Date of Delivery and
County Receipt of Application
Date: 10/12/16
Print Name: Jillian Falchi

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.

APPENDIX B

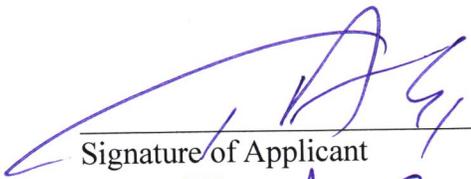
APPLICANT CERTIFICATION REGARDING NOTICE TO MINERAL ESTATE OWNER

I, , submitted an application for land use approval from Park County generally described as:

- Conditional Use Permit
- Determination of Location and Extent of Public Facilities Use
- Planned Unit Development with Rezoning
- Special Use Permit; (Telecommunications, Wetlands)
- Subdivision; (Major Preliminary Plan, Major Final Plat, Minor, Sketch, Combined)

I understand that state law, found at CRS 24-65.5-101 through 24-65.5-104, imposes specific legal requirements involving my providing written notice to the mineral estate owner of my application.

I HEREBY CERTIFY that I have complied with the notice requirements imposed upon me by CRS 24-65.5-101 through 24-65.5-104.


Signature of Applicant

Tim A Gregg
Print Name

For County Use Only
Application Name/Case Number: <u>16 CUP-05</u>

Park County Assessor

Property Detail Information

[Tax Information](#) | [Site Characteristics](#) | [Building Information](#) | [Deed Information](#)

[Property Detail](#) | [Value Detail](#) | [Building Detail](#) | [Sales Detail](#) | [Owner Detail](#) | [Mill Levy Revenues Detail](#)
[Assessor Property Search](#) | [Assessor Subset Query](#) | [Assessor Sales Search](#) | [Assessor Home Page](#)

Tax Area	Schedule Number	Account Type
0006	18825	Exempt

Primary Owner Name and Address

BAILEY TRAILS! ALLIANCE
PO BOX 81
BAILEY, CO 80421-0081

[Additional Owner Detail](#)

Legal Description

T07 R72 S30 SE4
BAILEY
TRACT IN N2SE4 30-7-72
AKA TRACT 45

Physical Address

60117 HWY 285 BAILEY

Tax Information

2016 Tax Year

	Actual Value	Assessed Value
Land:	161,299	46,780
Improvements:		
Total:	161,299	46,780
Exempt:	161,299	46,780

WARRANTY DEED

THIS DEED, Made this 24th day of January, 2014 between

Ron Green

of the County of Park, State of Colorado, grantor and

Bailey Trails Alliance, a Colorado nonprofit Corporation

whose legal address is: P.O. Box 81, Bailey, CO 80421

of the County of Park, State of Colorado, grantee:

WITNESSETH, That the grantor for and in consideration of the sum of Twenty-Seven Thousand Five Hundred and No/100 Dollars (\$27,500.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Park, and State of COLORADO, described as follows:

An undivided 1/2 interest

See Exhibit A attached hereto and made a part hereof.

Doc Fee
\$ 5.50

also known by street and number as 60117 Highway 285, Bailey, CO 80421

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the executing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated November 18, 2013, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

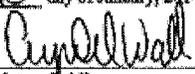
SELLERS:


Ron Green

STATE OF Virginia
COUNTY OF Montgomery

ss:

The foregoing instrument was acknowledged before me this 20 day of January, 2014 by Ron Green.



CRYSTAL D. WALL
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7213142
My Commission Expires 4/30/17

Notary Public
Witness my hand and official seal.
My Commission expires: 4/30/17



Exhibit A

A part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30,
Township 7 South, Range 72 West of the 6th P.M., described as follows:

Beginning at a point on the North line of said SE $\frac{1}{4}$ whence the East one-quarter corner of said Section 30 bears North 88° East,
599.07 feet;
thence South 88° West, along said North line, 1,160.00 feet;
thence South 1°6' West, 385.6 feet to a point on the North right of way line of U.S. Highway No. 285;
thence Easterly along and conforming to said right of way line, 1,093.65 feet, more or less, a point whence the Point of
Beginning bears North 8°45' East;
thence North 8°45' East, 490.53 feet to the Point of Beginning.

County of Park, State of Colorado.

EXHIBIT "A"

A part of the N¼ SE¼ of Section 30,
Township 7 South, Range 72 West of the 6th P.M., described as follows:

Beginning at a point on the North line of said SE¼ whence the East one-quarter corner of said Section 30 bears
North 88° East, 599.07 feet;
thence South 88° West, along said North line, 1,160.00 feet;
thence South 1°6' West, 385.6 feet to a point on the North right of way line of U.S. Highway No. 285;
thence Easterly along and conforming to said right of way line, 1,093.65 feet, more or less, a point whence the
Point of Beginning bears North 8°45' East;
thence North 8°45' East, 490.53 feet to the Point of Beginning,

County of Park, State of Colorado.

Also known by street address as: 60117 Highway 285 Bailey, CO 80421

A.P.N. # 18825

EXHIBIT A
Exhibit A - Legal Description



File No. F0466567

44904	✓	RAYBURN DAN PO BOX 1113 BAILEY, CO 80421-1113	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=44904					
22662	✓	ROBL MATTHEW 866 BUDDY RD BAILEY, CO 80421	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=22662					
22661	✓	JOBIN CHRISTINE J 621 SAINT PAUL ST DENVER, CO 80206	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=22661					
30382	✓	PARK COUNTY PO BOX 1373 FAIRPLAY, CO 80440-1373	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=30382					
32444 32441	✓	DENVER WATER BOARD 1200 W SHOSHONE DENVER, CO 80254	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=32444	32441 - Bailey Water & Sanitation District PO Box 422 Bailey, CO 80421				
18444	✓	BLANCHARD BARBARA e 5036 CO RD 43 BAILEY, CO 80421	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=18444	18844 - Abbondanza, Michael J PO Box 1013 Cimfer, CO 80433				
18792	✓	FALKNER PATRICK 57 CO RD 64A BAILEY, CO 80421	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=18792					
18782	✓	ROHLOFF KRISTY L C/O LLOYD ROHLOFF PO BOX 1714 BAILEY, CO 80421-1714	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=18782	18782 Rohloff, Marcd 105 Co Rd 64A Bailey, CO 80421				
18847	✓	PATTERSON JOHN D 14203 E IDAHO DR AURORA, CO 80012	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=18847	PO Box 951 Bailey CO 80421				
18783	✓	PARKER ALAN G 4817 CO RD 64 BAILEY, CO 80421	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=18783					
18788	✓	EVIG V JANE AKA EVIG JANE PO BOX 35 BAILEY, CO 80421-0035	http:// www.parkco.o rg/prop2.asp? ScheduleNum ber=18788					

32420

PLATTE CANYON FIRE
PROTECTION
PO BOX 222
BAILEY, CO 80421-0222

[http://
www.parkco.o
rg/prop2.asp?
ScheduleNum
ber=32420](http://www.parkco.org/prop2.asp?ScheduleNumber=32420)

18800 Bailey Propane Co
PO Box 157
Bailey CO 80421

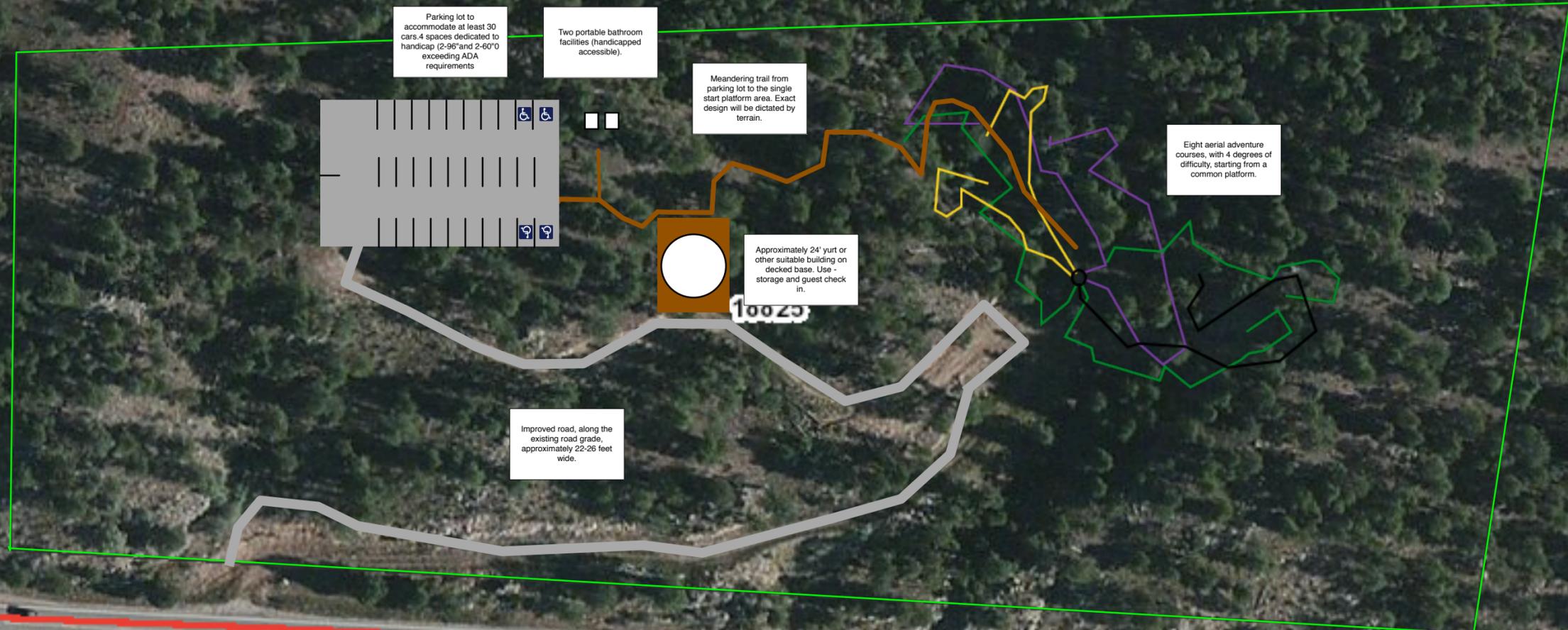
18803 Frank Stinger
400 Co Rd 72
Bailey CO 80421

22661

22662

30382

44904



Parking lot to accommodate at least 30 cars. 4 spaces dedicated to handicap (2-96" and 2-60" exceeding ADA requirements)

Two portable bathroom facilities (handicapped accessible).

Meandering trail from parking lot to the single start platform area. Exact design will be dictated by terrain.

Eight aerial adventure courses, with 4 degrees of difficulty, starting from a common platform.

Approximately 24' yurt or other suitable building on decked base. Use - storage and guest check in.

Improved road, along the existing road grade, approximately 22-26 feet wide.

441

18844

16845

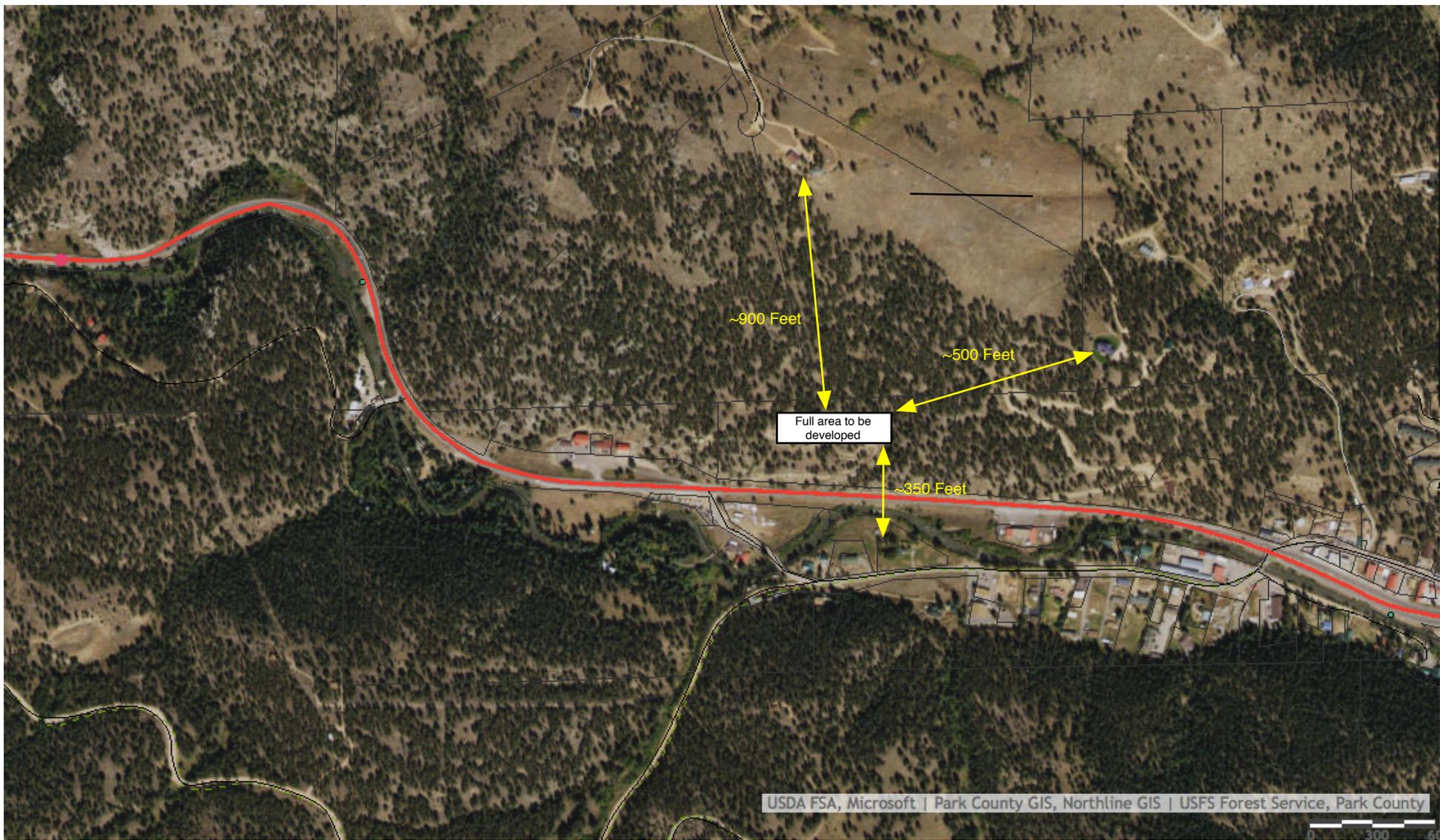
18800

18792

88888

88888

18788

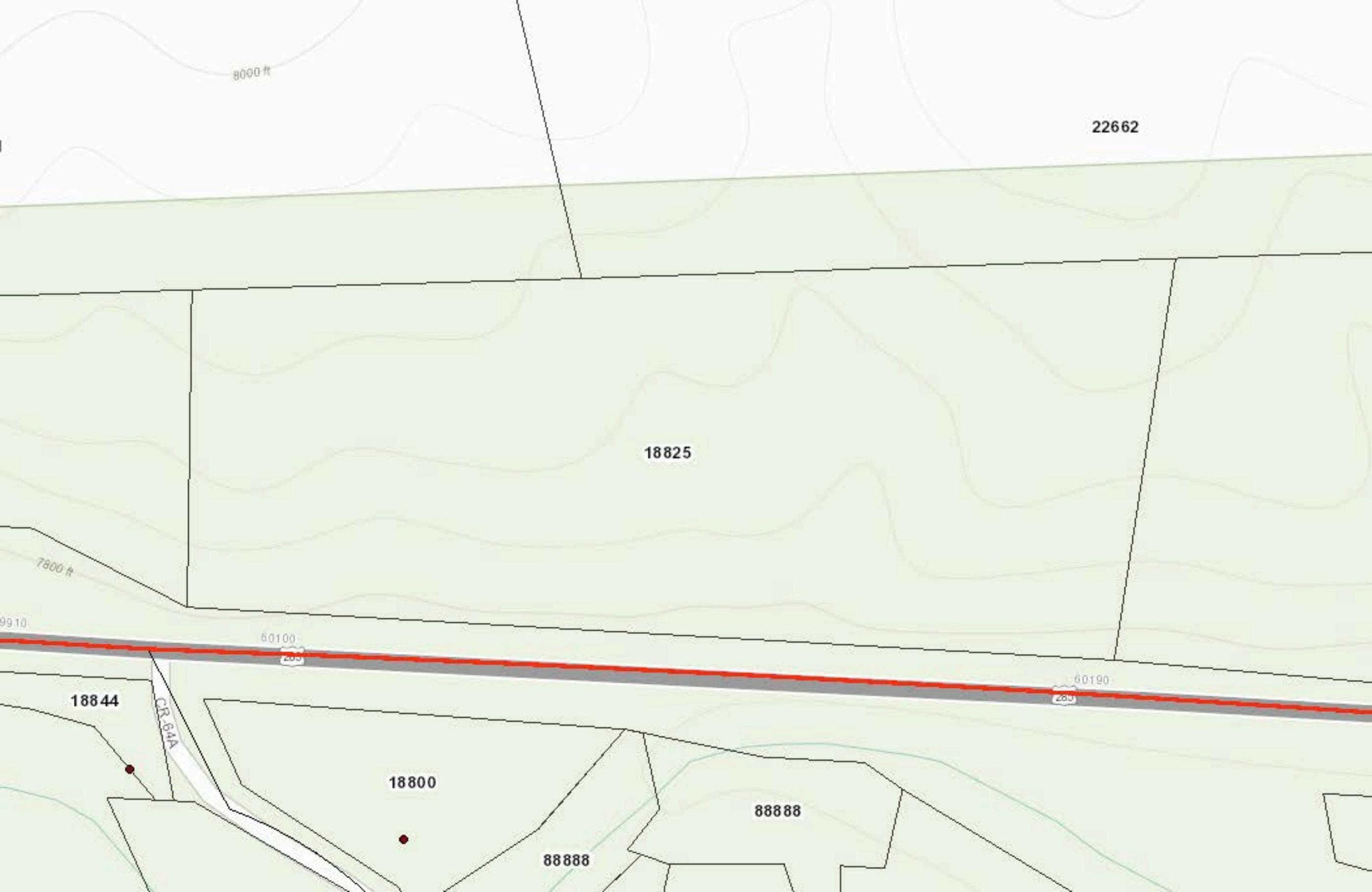


Full area to be developed

~900 Feet

~500 Feet

~350 Feet



8000 ft

22662

18825

7800 ft

9910

60100

60190

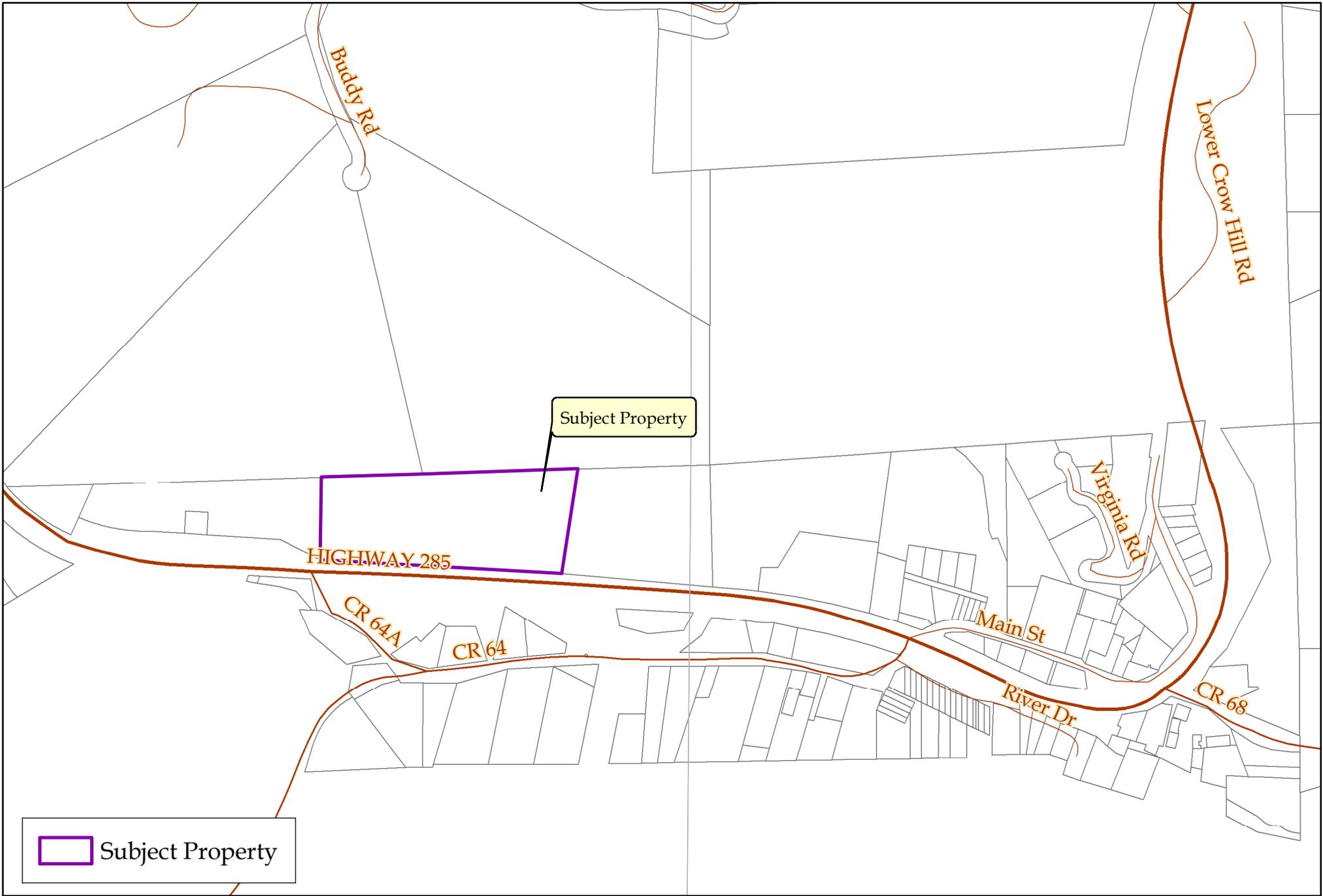
18844

CR 64A

18800

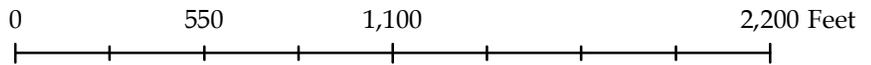
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88888



Vicinity Map

Aerially Photographed in 2013





COLORADO
Department of Transportation

Region 2 Traffic Section
905 Erie Ave., P.O. Box 536
Pueblo, Colorado 81001
(719) 546-5407 Fax: (719) 562-5523

Permit No. **216048**

September 12, 2016

To: Tim Gregg
Bailey Treetop Ventures, LLC
621 Kendall Way
Lakewood, CO 80214

Dear Applicant:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE". Your signature confirms your agreement to all the listed Terms and Conditions.
5. Provide a check or money order made payable to "CDOT" for the total amount due of \$100.00
6. **You must return the signed Access Permit, including all pages of terms and conditions and all attachments, with your payment to the Colorado Department of Transportation (CDOT) at the address noted below.** The Department will return an executed copy of this permit. You may retain this cover letter for your records.
7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn.
8. As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. **DO NOT** begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.

If you have any questions please call Valerie Sword, Access Manager at (719) 546-5407,

Please return Access Permit and attachments to: Valerie Sword
Region 2 Traffic Section
905 Erie Ave., P.O. Box 536
Pueblo, Colorado 81001

COLORADO DEPARTMENT OF TRANSPORTATION		CDOT Permit No. 216048
STATE HIGHWAY ACCESS PERMIT		State Highway No / Mp / Side 285D / 221.45 / Left
Permit Fee \$100.00	Date of Transmittal 09/12/2016	Region / Section / Patrol / Name 2 / 04 / 32 Mike Davis
		Local Jurisdiction Park County

The Permittee(s): Tim Gregg Bailey Trails! Alliance PO Box 81 Bailey, Colorado 80421	The Applicant(s): Tim Gregg Bailey Treetop Ventures, LLC 621 Kendall Way Lakewood, Colorado 80214 (720) 401-6505																
<p>is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.</p>																	
Location: 2200 ft. west of MP 222																	
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Access to Provide Service to:</th> <th style="text-align: left;">(Land Use Code)</th> <th style="text-align: left;">(Size)</th> <th style="text-align: left;">(Units)</th> </tr> </thead> <tbody> <tr> <td></td> <td>985 - Seasonal Operations Aerial Park</td> <td>5</td> <td>Acres</td> </tr> <tr> <td></td> <td>094 - Parking Lot</td> <td>2</td> <td>Acres</td> </tr> <tr> <td></td> <td>997 - Agriculture</td> <td>12</td> <td>Acres</td> </tr> </tbody> </table>		Access to Provide Service to:	(Land Use Code)	(Size)	(Units)		985 - Seasonal Operations Aerial Park	5	Acres		094 - Parking Lot	2	Acres		997 - Agriculture	12	Acres
Access to Provide Service to:	(Land Use Code)	(Size)	(Units)														
	985 - Seasonal Operations Aerial Park	5	Acres														
	094 - Parking Lot	2	Acres														
	997 - Agriculture	12	Acres														
Additional Information:																	

MUNICIPALITY OR COUNTY APPROVAL			
Required only when the appropriate local authority retains issuing authority.			
Signature	Print Name	Date	Title
<p>Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.</p> <p>The permittee shall notify Todd Ausbun with the Colorado Department of Transportation, at (719) 696-1403 at least 48 hours prior to commencing construction within the State Highway right-of-way.</p> <p>The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.</p>			
Permittee Signature	Print Name	Date	
Applicant Signature	Print Name	Date	
This permit is not valid until signed by a duly authorized representative of the Department.			
COLORADO DEPARTMENT OF TRANSPORTATION			
Signature	Print Name	Title	Date (of issue)

Copy Distribution:	Required: 1.Region 2.Applicant 3.Staff Access Section 4.Central Files	Make copies as necessary for: Local Authority MTCE Patrol Inspector Traffic Engineer	Previous editions are obsolete and may not be used Page 1 of 3 CDOT Form #101 5/07
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**State Highway Access Permit
Form 101, Page 2**

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue

date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4)

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide

by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan..

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law,

the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

- General
1. CDOT retains the right to perform any necessary maintenance work in this area.
 2. **WORKER SAFETY AND HEALTH** All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:
 - a. Head protection that complies with the ANSI Z89.1-1997 standard;
 - b. At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn;
 - c. High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).
 - d. Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.
- Insurance
3. A certificate of insurance naming the Colorado Department of Transportation (CDOT) as an additional insured is required to be submitted before work begins.
- Traffic
4. No interference with traffic will be allowed after 12:00 Noon the day before a 3- or 4-day holiday weekend, as listed under 108.06 of the Standard Specifications for Road and Bridge Construction.
 5. Traffic control and work hours on state highways, interstates and freeways will be allowed as determined by the CDOT Inspector for this permit and area only.
- Utilities
6. **READ ALL ADDITIONAL STANDARD REQUIREMENTS ON THE ATTACHED FORM 101 AND OTHER TERMS AND CONDITIONS ON THESE ATTACHED SHEETS. A COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR.** Call for an inspection of forms at least one working day prior to placing any concrete. The Colorado Department of Transportation inspection is not an approval of the grade or alignment of the work. The contractor and/or engineer are responsible for the proper grade and alignment. Minor changes or additions may be ordered by the field inspector to meet field conditions. Any survey markers or monuments disturbed during the execution of this permit shall be repaired immediately at the expense of the permittee. Minimum cover for buried utilities shall be 48 inches.
- Access
7. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way. All submittals, documents, plans, and other items that must be completed shall be submitted and approved by the Department before a NOTICE TO PROCEED to construction will be issued.
 8. The access is located on the east side of State Highway 285, a distance of 2500 feet south from milepost 222 or approximately milepost 221.457.
 9. This section of highway is a Category R-A highway. The information submitted with the application requires the following improvements be designed and installed:
 - a. A grading plan is required to show that drainage along the driveway will be retained on private property or released at historic rates.
 - b. A 36" x 36" R1-1 STOP sign shall be placed at the access for egressing vehicles.

60117 Hwy. 285 Traffic Considerations

Bailey Treetop Ventures has received conditional approval for business access from CDOT at the 60117 Hwy. 285 property. The conditions to be met are a drainage plan along the driveway. H&S Excavating who will be doing improvements along the existing driveway is currently developing the drainage plan. The improvements include the development of ditches, widening of the existing drive, a parking lot and the removal of a section at the beginning of the drive for safe turnout and retention of water, which may flow down the driveway.



The turnout will include the removal of material just beyond the vehicle in the above picture. This will allow for safe ingress and egress for vehicles of all sizes plus accommodate water retention to mitigate erosion in the CDOT easement.

Visibility along the highway at the existing driveway is some of the best in the Bailey business district. Unlike other access on curves and blocked by structures, in the Bailey business district, views down the highway are open for long distances, along this straightaway.



The speed limit is 40 mph in this area. Other side access in the area includes access to the County Substation, Riverbend restaurant and County Road 64A.

CDOT utilized traffic data collected from another survey and approval of last year. The data is below and can be viewed at

<http://dtdapps.coloradodot.info/otis/TrafficData#ui/2/0/0/station/105141/criteria/105141/>.

Station Id:

Stations
AADT
Future Traffic
ESAL

Found 1 stations. Click the magnifying glass icon in front of a station to see count data below.

Export to Excel

Station ID	Route	Start	End	County	City	Description
105141	285D	221.889	222.167	Park		ON SH 285 E/O CR 64, BAILEY

ON SH 285 E/O CR 64, BAILEY (Station Id: 105141)

Daily
Monthly Summaries
Annual

09/10/2015

View Entire Month
Export to Excel

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P	18	21	14	13	21	45	71	174	202	184	276	299	382	463	512	481	461	495	459	324	156	132	84	46
S	38	17	20	22	42	86	229	370	376	531	625	605	563	620	616	717	647	672	691	516	298	164	99	57
C	56	38	34	35	63	131	300	544	578	715	901	904	945	1,083	1,128	1,198	1,108	1,167	1,150	840	454	296	183	103

P = Primary direction S = Secondary direction C = Combined traffic counts

Aerial Park Proposal For 60117 Hwy. 285

60117 Highway 285 is currently a vacant 11.7 acre parcel, zoned commercial, in Bailey, Colorado. Bailey Treetop Ventures, LLC is proposing utilizing the property as an aerial adventure park.

Bailey Treetop Ventures, LLC's ownership consists of a five member team; Tim Gregg, Berkeley Williams, Doug Wheeler, Nick Fullerton, and Cameron Fullerton. Tim Gregg is responsible for business development and the approval processes of the project. As a twenty-year local resident of the area, Tim brings to the project much knowledge of and a passion for the town of Bailey. Berkeley Williams and Doug Wheeler spent years constructing aerial adventure parks together under the employment of a large company called Outdoor Ventures. They have since formed their own team and begun designing and constructing parks of their own, and will oversee all design and construction of the proposed adventure park. Nick Fullerton and Cameron Fullerton grew up working for their family's business in Keystone, SD called Rushmore Tramway Adventures. In 2013, Cameron hired Outdoor Ventures to construct an aerial park as an addition to the Rushmore Tramway, and has recently completed his third full season of operation. Nick and Cameron will be responsible for the managerial and marketing functions of the proposed project.

An aerial adventure park is an outdoor recreational activity that consists of a series of platforms suspended upon treetops with various bridges and challenges connecting the platforms. The obstacles include zip lines, balance mechanisms, and other creative challenges that are designed with exercise and excitement in mind. Aerial adventure parks originated in Europe, and



have become very popular in Switzerland and Germany. They have slowly made their way to the United States, particularly in the wooded areas of New York, Maryland, and New England.



Adventure parks utilize a unique harness, carabiner, and cable system to provide for redundancy and safety as customers navigate from bridge to bridge. Series of bridges and zip lines make up courses, of which are rated in terms of their level of difficulty. The proposed park would include courses designed for children and beginners, as well as

intermediary and expert level courses.

The proposed adventure park will consist of eight courses, each beginning on a common platform referred to as the “starting platform.” Each course is identified by its color, which indicates its level of difficulty. The color designations by ascending level of difficulty are yellow, green, blue, and black. The park will include two yellow, three green, two blue, and one black course.



The subunit of a course is called an “element.” Each course will consist of ten elements. An element is either a bridge, ladder, or zip line, each moving the guest from one platform to the next. A ladder moves the guest vertically from one platform to the next upon a single tree while a bridge or zip line moves the guest from the platform of one tree to that of another (horizontally).



Guests navigate the courses independently using a harness and a set of safety lanyards, which are equipped with a set of SSB (Smart Safety Belay) safety carabineers. The SSB safety system keeps one carabineer locked into the course (cannot be opened by guest) at all times while the participant is off the ground. The guest is also equipped with a zip line trolley with an integrated auto-locking carabineer. Staff members will monitor the park offering assistance where needed.



The guest will be required to successfully navigate through a yellow or green course before advancing to the more technical blue and black course designations. As each course originates from the starting platform, a designated staff member will monitor this progression and inspect each guest’s harness and SSB safety lanyard prior to the guest beginning the next course. Please see attachments for more detail on aerial park operations and illustrations.

Aerial adventure parks have proven to be successful businesses. The proposed aerial adventure park fits in well with the community, topology, and meets the goals of the Park county master plan. Commercial property in the area is very limited. The property at 60117 Hwy. 285 has proved challenging to other types of businesses.

The proposed aerial adventure park embraces the challenging topology of the property. The business model and traffic flow have gained approval from CDOT, with no changes to the highway. The business model is based upon a reservation business, which allows for predictable traffic flow.



The property is bordered by residential properties and with the heavy foliage and distance of residences, it is unlikely that the owners will be aware of the business. The elements of the aerial adventure park will be hidden deep within the boundaries of the property and none of the adjacent residential property owners will be able to see them from their residences.



The proposed aerial adventure park will attract tourists directly to the Bailey business district. It will contribute to the local economy with low-impact tourism. Bailey's economy is primarily supported by local patrons. Bailey is a



pass through community for tourists. Approval of the aerial adventure park will contribute to making Bailey a destination and patrons of the park will also become patrons of our local businesses who struggle to survive. This small increase in tourists will have a very positive impact on the perception of Bailey and help bring additional economic opportunities to town.